

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.10 E, Closed Area No. 5, Webhannet River and Beaches of Wells and Kennebunk, promulgated on March 31, 2001, is repealed and replaced with the following rule:

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**TEXT OF RULE:** DMR Regulation 95.10 E, Closed Area No. 5, Webhannet River and Wells Beach, Wells.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Town of Wells inside of a line beginning at Moody Point; then extending southeast to Bibb Rock; then extending north to the east end of the jetty on the south side of the mouth of the Webhannet River.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Town of Wells, from May 1 through December 31, west of a line across the mouth of the Webhannet River at the east ends of the jetties AND north of Mile Road.
3. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats, waters and tributaries of the Webhannet River south of Mile Road. This area is classified restricted and requires a special MDMR permit.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: November 13, 2003

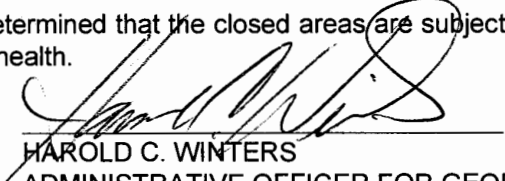
AGENCY CONTACT PERSON: Amy M. Fitzpatrick  
Department of Marine Resources  
194 McKown Point Road  
West Boothbay Harbor, Maine 04575

Portland Press Herald  
November 16, 2003

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.10 E, Closed Area No. 5, Webhannet River and Beaches of Wells and Kennebunk, promulgated on March 13, 2001, and replaces it with 2 new rules. This new rule describes the closure at Wells Beach, the seasonal conditional area in the Webhannet River, and the restricted area south of Mile Road. The closure at Little River is now described in Closed Area No. 5A. This is an administrative change.

Department personnel have determined that the closed areas are subject to point and non-point pollution, which poses a threat to public health.



HAROLD C. WINTERS

ADMINISTRATIVE OFFICER FOR GEORGE D. LAPOINTE,  
COMMISSIONER AS AUTHORIZED BY 12 MRSA SECTION 6023



# Maine Department of Marine Resources

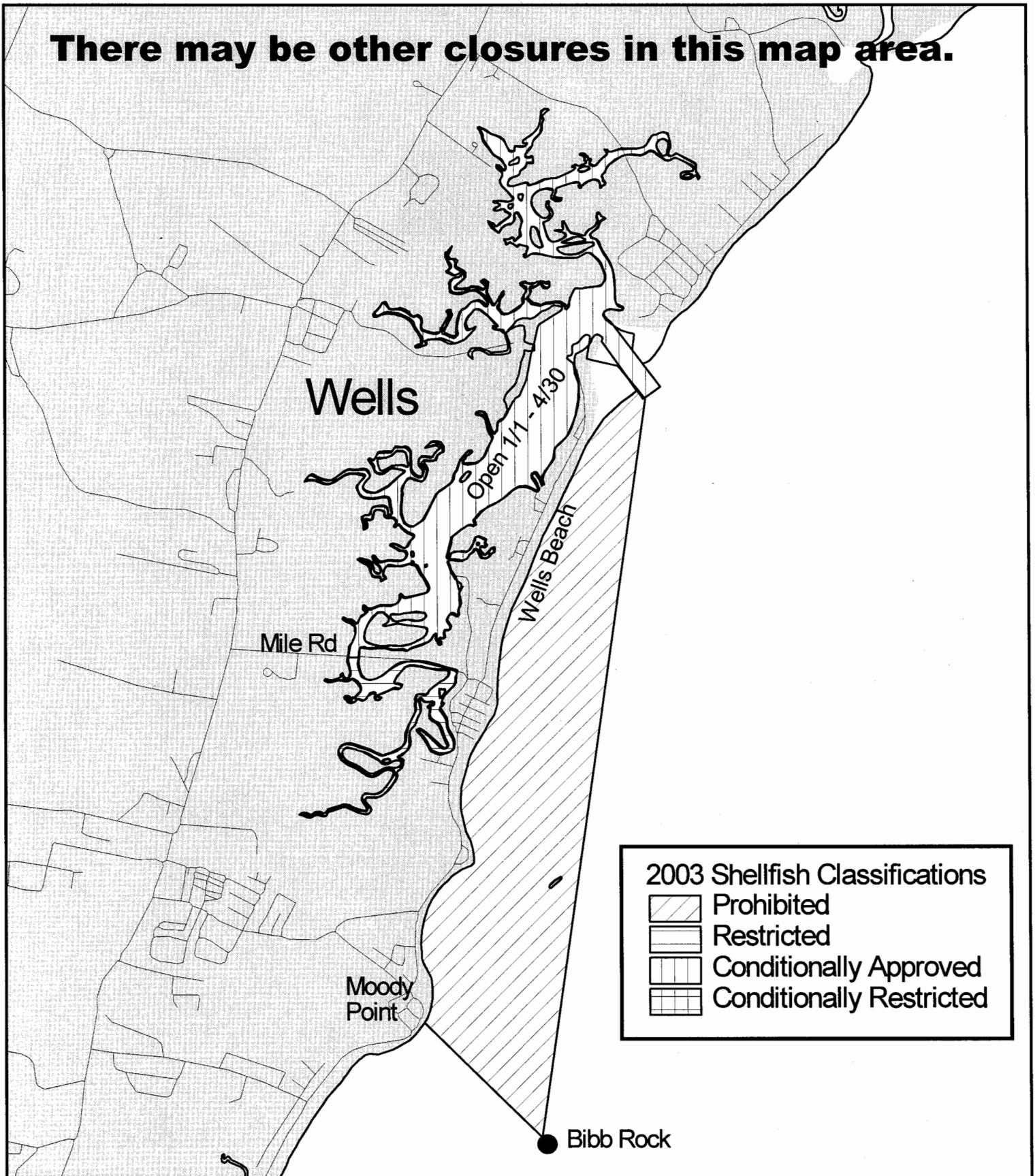
Legal Notice of Shellfish Closure Area

**C5 Webhannet River and Wells Beach**

11/13/03



**There may be other closures in this map area.**



0.6 0 0.6 1.2 Miles